

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 27 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALLEN RAYMOND JOHNSON, AKA
Seal B,

Defendant - Appellant.

No. 13-56635

D.C. Nos. 8:10-cv-01641-JVS
8:05-cr-00036-JVS-2

Central District of California,
Santa Ana

ORDER

RECEIVED CLERK, U.S. DISTRICT COURT
9 / 27 / 13
CENTRAL DISTRICT OF CALIFORNIA BY: CR DEPUTY

Before: Peter L. Shaw, Appellate Commissioner.

The district court has not issued or declined to issue a certificate of appealability in this appeal, which arises under 28 U.S.C. § 2255. Accordingly, pursuant to circuit court policy, this case is remanded to the district court for the limited purpose of granting or denying a certificate of appealability at the court's earliest convenience. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

If the district court issues a certificate of appealability, the court should specify which issue or issues meet the required showing. *See* 28 U.S.C. § 2253(c)(3); *Asrar*, 116 F.3d at 1270. If the district court declines to issue a

certificate, the court should state its reasons why a certificate of appealability should not be granted, and the clerk of the district court shall forward to this court the record with the order denying the certificate. *See Asrar*, 116 F.3d at 1270.

Briefing in this appeal is suspended pending further court order.

The Clerk shall serve this order on the district court.